

INTERVIEW OF JOHN VRATIL BY JOAN WAGNON AND DAVID HEINEMANN, SEPTEMBER 13, 2022  
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Joan Wagon: We're here today with former Senator John Vratil to gather information about the years he spent in the Kansas legislature, his perceptions of what has happened in policy, politics, and governance since then. We are particularly interested in Senator Vratil's interactions with the judicial system as a lawyer and as a former Chair of the Senate Judiciary Committee. This committee is important in our new series on the Kansas Courts and the Rule of Law, and this program is funded in part by Humanities Kansas and fueled by lots of volunteer energy. One of the volunteers is my friend Dave Heinemann, with whom I served in the legislature. He is going to assist today in asking questions of Senator Vratil. And our good friend Mary Galligan is running the Zoom for us today. So with those introductions, Senator Vratil, maybe I could ask you to introduce yourself, please.

John Vratil: Thank you, Joan. It's my pleasure. My name is John Vratil [spells]. You can't imagine the number of times I've said that over the years. I have a strange name, and I'm proud of it. I was born on October 28, 1945 in Great Bend, Kansas, but lived with my parents, Frank and Althea, and my sister Peggy and my brother Jim in Larned, Kansas, for all of my early childhood. I lived in Larned until I graduated from Larned High School in 1963. I went to the University of Kansas in Lawrence, where I got a Bachelor of Science degree in Education in 1967.

At that point in time, I went overseas to continue my study. I studied at the University of Southampton, England on a Rotary Foundation fellowship. After completing that study, I came back to the United States and went to law school at the Kansas University School of Law. I graduated from law school in 1971 and decided to spend another year in England. So I managed to get an exchange scholarship by the University of Kansas with the University of Exeter, and I spent several months studying, traveling, and playing basketball. The university basketball team was quite good, and in fact, we ended up winning the national championship in England for that year. It's something I'll always remember.

I came back from Exeter and took a job with the law firm of Bennett Lytle in Prairie Village, Kansas. I worked with that firm for eleven years and then joined the firm of Lathrop-Koontz and opened an office for them in Overland Park, Kansas. I stayed with Lathrop-Kuntz for twenty-eight years and retired from Lathrop in 2011.

At that point in time, I decided to take a position with the Blue Valley School District as their in-house legal counsel, and I served in that capacity until 2017. I married my wife. My wife is Teresa Pressgrove Vratil, and we have four children: Alison, Andy, K.C., and Ashley, and we have nine grandchildren. So I'm very pleased.

I should really talk a little bit about my experience in the legislature. I served for fourteen years in the Kansas Senate and enjoyed every minute of it. I never really had a political background, but I found out that I enjoyed that part of it to some extent. I served for ten years as the Vice President of the Kansas Senate and for eight or ten years as Chairman of the Senate Judiciary Committee. And that kind of brings you up-to-date on John L. Vratil.

JW: Well, thank you for that. I'm going to turn this over to David to ask you some questions about how you got started in the legislature and some questions about your role of Chair in the Judiciary. David?

David Heinemann: Yes, and John, it was nice to know that you were a Larned Indian graduating in '63 when I was a Garden City Buffalo, graduating in '63. I don't know if we ever ran into each other, but it was the same timeframe. Also, it's quite interesting as far as your political endeavors, Glee Smith, the former President Pro Tem of the Senate was from Larned and a distinguished politician for many years. Did you have any interaction with Glee back then.

JV: I had a lot of interaction with Glee. His son Sid and I are basically the same age. We went to school together for twenty consecutive years. Sid and I remain good friends. Glee, his dad, was always willing to help me when I approached him for help, and I really think highly of Glee.

DH: And we're very fortunate to have you as an attorney in the Senate, which we'll get into later about how we've been decimated by attorneys. What caused you to become a lawyer?

JV: That's a good question. I had always had an interest in the legislature. When I joined a law firm of Bennett, Lytle, Wetzler, Winn and Martin. Bob Bennett who was a former governor and president of the Senate was the senior partner of that firm. He was sort of my mentor, and my interest in the legislature increased. But I never thought that I would actually make the run, and there's another story there to be told, which I'll not go into right now. I just had a growing interest in the legislature.

DH: When you came to the legislature, you did not do it in a filing and running. You picked up a seat, a good mutual friend of mine, a former representative, Jim Yonnally, indicated that he had some conversations with you when the former senator, Keith Schraad, decided to resign his senate seat. Can you fill us in on that?

JV: That, Jim, is true. I was home one Sunday evening when I got a phone call from Jim Yonnally. Jim and I have been friends for a long time, and he was a lobbyist and was in tune with the legislature. He said to me, "You know, you have an opportunity. Keith Schraad is resigning from the Senate, and that will leave a vacancy to be filled by the precinct committee people, and I think you ought to throw your name in the hat and see how far you get."

I kind of scoffed at that and told Jim that there's no way that the precinct committee people would ever pick me to serve in that capacity. But as two or three days passed, it kind of gnawed at me. I thought more and more, "If you're ever going to do this, if you're ever going to run for the legislature, now's the time to do it."

So I talked with my wife and I talked with my law firm and got the go-ahead from both of them, and so I decided to throw my name in the hat. And I guess the story is, still remaining, I was successful in being selected to fill that vacancy.

DH: I also saw in your record that you were very successful in your committee assignments. When you immediately joined, you were Vice Chairman of the Judiciary Committee and then

chaired it for well over eight years. In addition, I understand you also were Vice Chair of the Education Committee and in your last years of the Ways and Means Committee. Is that correct?

JV: That's correct.

DH: And I think your tour de force is you were Senate Vice President for ten years.

JV: Ten years.

DH: Tell us how you became Vice President. I think there was an election, a vacancy. How did you come about to become a leader?

JV: That's an interesting story, Dave. I had an interest in being part of Senate leadership, but I never thought I'd have the opportunity because I didn't think a vacancy would open up. But lo and behold, [Sandy Praeger](#) who was the Vice President of the Senate. Sandy is a senator from Lawrence. She was the Vice President in 2000—it's now escaping me. She was elected Vice President in 2000, and in 2002, she ran for Insurance Commissioner and was elected. So she resigned from the Senate, and that left the vice presidency position open.

The Republican Caucus met to fill that vacancy. It was a contested race. I was lucky enough to be selected.

DH: And I think you were selected by an overwhelming majority, unlike some of the prior interviews we've had where there was just a one-vote difference, and there was a difficulty working with your colleagues. Did you experience any problem working with your colleagues after that?

JV: No, not that I recall.

DH: Yes. Joan, I think you have some questions now.

JW: Yes. I'd like to explore your time in the legislature. The legislature changed dramatically in the fourteen years you were there. You experienced three governors—Bill Graves, Kathleen Sebelius, and Sam Brownback—one special session in 2005, and the controversy over how to fund the schools just grew and almost overtook all of the other issues. In general, can you describe the changes that you saw in both the make-up and the ideology in the Kansas Senate in those fourteen years?

DH: Well, the make-up and the ideology kind of go hand in glove. When I first came to the Kansas Senate, there was a moderate majority of Republicans in the Senate, and as such, we were able to control the agenda and control most of the votes.

Over the span of the fourteen years I served in the Senate, that moderate majority became less and less to the point where in the last few years there's been a right-wing conservative majority in the Senate, and that makes all the difference in the world.

As a result of that shift in power, certain pieces of legislation are not even considered even though the polls would tell us that they are popular with the people of Kansas, and I'm thinking, for example, Medicaid expansion, and the leadership is controlled by the conservative right wing, and it makes for a whole different agenda on the Senate floor.

JW: I've been watching that, and we've interviewed a number of people who've represented various points of view in their ideology, and it's well understood that the change in leadership really changed the issues that you got to consider. When I read through all the Legislative Highlights from those fourteen years you were there, education was always one of the big stand-out issues. It seemed like there were some other things that you were involved in from the Judiciary Committee. Can you talk about what you saw education and other issues as the big headlines?

JV: Well, education, you're right, was really the #1 issue while I was in the Senate, for sure. And that was fine with me because education was the issue of most importance to me. It was very consistent with my position. There were other issues. Do you have any particular issues in mind?

JW: Well, I was looking at some of the sex offender legislation that went through. Were you involved with—they had just passed sentencing guidelines I think before you got there.

JV: Yes.

JW: So there was a lot of retooling of the Criminal Code.

JV: I was involved in the sex offender legislation. I never was sure that that was very wise legislation, but it was impossible not to pass it because the public was so animated with regard to it. So we all knew it was going to get passed. The only question was in what form? And it did pass.

Sentencing guidelines were modified to some extent with the idea of reducing the prison time for nonviolent offenders. That became a pretty big issue. If you were in favor of releasing a nonviolent offender, you were soft on crime. Of course, as you know, that's not at all true necessarily, but that was the political cry.

JW: It makes a nice postcard when you're running for re-election.

JV: Yes. It fits just very well.

JW: How did you develop your interest in public education?

JV: When I graduated from high school and went to KU, I wanted to be a football coach. To be a football coach, I had to be a teacher. My major was in education, but the second semester of my senior year, I did my student teaching, and that was a real eye-opener. I decided that I really did not want to be a teacher or for that matter a football coach. I had to make a different choice.

JW: But certainly that interest in education, you were a key figure in much of the school finance legislation that passed through all of those years.

JV: I had a background in education that really lent itself to working with the legislature. The Shawnee Mission School District was a major client of the Bennett-Lytle law firm, and when I joined that firm, I was assigned to a lot of different projects involving Shawnee Mission. Over the course of the next several years, I took on the Blue Valley School District as another client, and that, of course, whetted my interest in education. When I went to the legislature, it caused me to have an even greater interest because of the urgency of the issue.

JW: One of the questions we almost always ask our legislative interviewees is “What was your relationship with the governors like during that time for issues that you cared about?” You had three.

JV: Yes. I thought I had a very good relationship certainly with Governor Graves and with Governor Sebelius as well. My relationship with Governor Brownback was less significant.

JW: I’ll let you leave it at that. Did his service impact in any way your decision not to run again?

JV: No. I had had long discussions with my wife about whether I was going to run again or not, and she was probably the major factor in my decision not to run. In the end, I looked back at things and decided that fourteen years was long enough. It was time for somebody else to take that position and do what was good for their constituents.

JW: Sure. David wants to ask you some questions about lawyers in the legislature. David, it’s all yours.

DH: I’ll start this with just a little bit of a background, John. I was elected in ’68, thirty years before you got there. And it was entirely different as far as attorneys, which is why I’m so glad that you as an attorney volunteered to serve. When I started looking at the Senate, out of forty senators, they had eighteen. And these just weren’t the typical lawyers. You had Dick Rogers who later became a federal district judge. Harold Herd who later was on the Kansas Supreme Court. You had Bob Bennett, Jack Steineger, Norman Gaar, and I could walk across and listen in the gallery of the Senate and hear what I thought was pure oratory with all of the attorneys there.

I noticed that when you came in ’98, there were just three, and you made the number four as far as lawyers in the Senate. And the Senate used to have all eighteen members on the Judiciary Committee, but now you’re on the committee, and you’re the chair of a committee that’s assigned almost one-third of all the bills that come to the legislature. I mean, these are not the sexy bills that make the headlines. These are the ones that make life work for most Kansans.

So I’m interested in how your experience was with few lawyers. How did you go about working legislation, some of it technical—I know we had a great nonpartisan staff, but your perspective in the value of just having lawyers, particularly like you, a practicing lawyer, in the Kansas legislature.

JV: Well, in dealing with the issues that came before the Judiciary Committee, we had some real challenges because there were only four attorneys. We had to make a special effort to keep our committee members informed, those who weren't attorneys, and to make sure that they knew what was going on and they didn't have any unanswered questions. I think staff was really important, too, in keeping those nonjudicial members informed.

DH: I also understand, former Senate President Steve Morris indicated that you were critical to his working the legislature during the *Montoy* education case with the Kansas Supreme Court. If I recall correctly, during that 2005 session, the legislature passed what they hoped would be 142 million dollars extra that would have resolved the case. The Court said no, and you guys had to come back in a special session to ante up some more. This was held in the old Supreme Court chamber because the Senate was torn up with renovation. Can you explain how you helped the Senate President or your fellow members, particularly those that did not understand the importance, the role, that the court played in trying to get some resolution as the legislature had about another 145 million to resolve the *Montoy* case at that time.

JV: Well, the Senate leadership would meet on this issue virtually every day the first thing in the morning and plan out the day, the agenda for the day to make sure that we got done what needed to be done that day and kept moving forward. I think that's what President Morris was talking about probably. I was part of Senate leadership as the Vice President. So I played a major role because of my knowledge and experience with education. I played a major role in framing the issues and keeping the legislation moving forward.

DH: I also recall in past years the lay people that distrusted the courts. Often their friends and colleagues who were attorneys who they trusted could explain it in better detail. Did you ever have the opportunity to visit with your non-lawyer colleagues to maybe help them explain why this process is what it is?

JV: Yes, I did so on a regular basis. My Senate colleagues were not shy about approaching me and asking questions. I think they relied on me for answers to those questions.

DH: Very good. Joan, do you have some more to follow up?

JW: Yes. As we told you in the beginning, this is part of a series that we're doing on the courts and the rule of law. And one of the interviews we just completed was with Lawton Nuss who was the Chief Justice of the Supreme Court for many years. During the time that we had the *Montoy* case which was about funding the schools and later the *Gannon* case. You were gone by the time *Gannon* was filed. There were seven iterations of that. When you couple the problems they had with funding schools, the change in leadership to, as you described it, the more right-wing conservative leadership, the friction between the courts and the legislature seemed to grow, and they had great difficulty accomplishing things.

As you look back, what could have improved the understanding or the respect between the courts and the legislature of their various constitutional roles? Lawton Nuss cited one where someone said, "Well, we just don't need to have the courts interpreting the laws. They don't need to do

that.” Well, that’s what courts are for. So somewhere there was a real lack of understanding of what people were there to do. Do you have any comment?

JV: Yes. Joan, I don’t think there is a lack of understanding. I think the conservative right-wing majority totally understands the issues that come before them. They just have a different point of view, and they’re entitled to that. It’s up to the people of the State of Kansas to elect people who are going to best represent them. I think we’ve seen times in the past where there was such low voter turnout that it was embarrassing. So I place as much of the responsibility on the voters of this state as I do on the right-wing [or] moderate legislators.

JW: So the proposal that kept coming forth from Brownback and others was to change the selection method of judges. I think you were involved in the merit selection process for judges, were you now?

JV: Well, no, that really came after me.

JW: Did it? Okay.

JV: There was talk about changing the selection process for judges most of the time I was in the Senate. But it didn’t really come to a head until after I was gone.

JW: What is your opinion of the merit selection process for judges?

JV: I totally support the merit selection process. I can’t imagine how you could argue reasonably and effectively against it. To base your selection process on merit rather than on politics, I mean, that’s pretty obvious to me.

JW: Well, it’s obvious to me, too. But then as you say, there are other people who don’t necessarily agree, and it’s working those things out that makes the legislature interesting. David, you had some questions.

DH: Well, if I could follow up here a little bit, I think John was right on as far as how folks think differently. If I also recall correctly, there was a constitutional amendment proposal that the Senate actually put out in ’05 maybe from your committee that would have changed the constitution and made it clearer that the legislature was the sole decider of appropriations for education. It didn’t have the two-thirds in the House for that, but again, those folks who want to change the power structure or maintain control have different ways to do it, and if you can’t change the law and necessarily the constitution, then maybe you can change the judges who make that decision. I think that’s sort of where you’ve been discussing things. It’s who controls or who has the power.

But moving on to—as Judiciary Chair and working with the courts and trying to get good law, the Judicial Council played a major role in a lot of the legislation that perhaps the Judiciary Committee that you chaired worked with. Can you explain what exactly the Judicial Council is, how it works, and how it would help you as a legislature to promote good legislation?

JV: The Judicial Council is composed of people from all three branches of government. In that essence, they represent all three branches of government. While I was with the Judicial Council, we played more of an administrative role in that we didn't actually research topics or do the work ourselves to study and write reports. We would appoint a committee and assign that committee the work that needed to be done. I don't know how it's done now, but that's the way I did it when I was on the Judicial Council.

DH: Also while you were serving in your later years on Ways and Means [committee], the funding of the courts was an issue. I believe it was after you left the legislature that the Chief Justice had to more or less shut the courts down. What did you observe about court funding, whether the legislature ever thought there was an urgency or a need to have judicial compensation at least competitive? Any thoughts there?

JV: Well, while I was in the Senate, the courts and the judges were historically underfunded, and nobody really argued with that. On its moment, we had to agree that they were underfunded. But that didn't mean that all legislators would vote in favor of increased funding. Some legislators saw that as a way of controlling in the courts. They made efforts from time to time to influence the courts through the purse strings. I was always very careful to watch attempts made to influence the court because I don't think the legislature has any business in trying to do that.

DH: You were also very active in other policy areas, some not directly relating to the courts, but one I recall in particular was gaming. Kansas had only authorized a lottery, and they never did realize until the Supreme Court decision, and I think you had a lot to play with that when it went before the court on the expanded lottery; that when Kansans had voted for a lottery, it actually included any form of gambling in the state, so long as it was state owned and operated. Fill us in on your role there. That was one of the major pieces of legislation that you worked on.

JV: Once we realized the authority that we possessed constitutionally, there were a majority of legislators who felt that we ought to pursue gaming in Kansas. And bills were introduced each year for several years in a row that never could get passed, and I don't know the year that the gaming bill finally passed.

DH: 2010.

JV: 2010? A major effort was made in 2010, and I was a part of drafting the legislation for that effort. I can't tell you the number of hours I spent in **the [Senate]** President's Office sitting around a conference room table, editing and redrafting the gaming bill so that we made sure that it had everything we wanted and didn't have things that we didn't want. I think that effort paid dividends in the end.

DH: I might also add sports betting is just starting in Kansas, and but for your work on expanded lottery, I don't believe there would be a court decision that would say the state can own and operate the way it has with sports betting. Would you agree?

JV: I agree, yes.



DH: Was there any other legislation in particular that you dealt with that comes to mind?

JV: Nothing that comes immediately to mind. Well, there was. The death penalty. It happened pretty fast. There was a lot of smoke and fire, and it did not pass the Senate, but I worked with the Chairman of the Ways and Means Committee, Carolyn McGinn, to promote a bill that would do away with the death penalty.

DH: Yes. It's ironic you speak that. When the death penalty was passed, I had a floor amendment that would have provided for life without parole. I had 62 votes. Those in favor of the death penalty had 63, which shows the importance of every legislator in the process.

JV: That's right.

DH: And showing the importance of legislators, I'm going to jump back. You as an attorney decided to be a member of the legislature at a time when very few lawyers are there. When you made that decision, what did that cost you personally?

JW: Good question.

JV: Well, it cost me a significant amount of money out of my pocket. I remember doing a calculation one year, and I calculated that it had cost me \$70,000 to serve in the Kansas Senate that year. I didn't care. I had enough money to live on. I wasn't going to starve to death. I was more interested in doing public service in the Senate.

DH: As I recall correctly, Steve Morris was pushing as Senate President, increased compensation for legislators. I don't know whether you had any involvement in that, but that was an effort to not only allow more lawyers in the legislature, but more citizens who just flat can't afford to provide great public service like you volunteered to give.

JV: I was not a part of Steve's effort, although I supported it. It's a shame how little legislators, and that's in both houses, the House and the Senate, are paid. It's just ridiculous, and it almost guarantees that you're not going to have the highest quality because people can't afford to serve. And that's not good for our state or the people of this state.

DH: Joan?

JW: I think you've had a fascinating career, and you've made a big impact on Kansas. Your public service has produced what I would define as "great good for the state". Will you look back on your fourteen years and tell me what you're most proud of having done?

JV: You know, Joan, I can't do that.

JW: It's hard, I know.

JV: There's no one issue, no one event that sticks out in my mind as being more important, more significant than the others. To me, every issue that we dealt with was important to somebody, and so it was important to me. I'm sorry, but I can't identify one issue.

JW: Is there anything that you want to highlight? We are hopeful that we will find ways to stimulate students to use these interviews to learn about what happens in government. We have been pretty successful in working with a group of teachers to try to pull out of the interviews things that you think are important. What would you see from your experience that would be important for students to understand about how government works in Kansas?

JV: Well, before I address that, let me say there's one issue that I could give my wholehearted support to and that is mandating teaching of civics in our high schools.

JW: Yes.

JV: When I was in high school, we used to have courses in civics, government, and for a long time, I thought we still did. You can imagine how shocked I was to find out that it's no longer required learning, and I think that's a shame. People need to learn the different aspects of government, how they fit together, what's important, what's not—that's probably not a good way to put that. But I would encourage the State Board of Education to require the teaching of civics in our public school systems.

As far as student—ask that question again, please?

JW: It was kind of long and complicated. We're working with a group of teachers to try and figure out what is relevant to their teaching of civics to students. What of your career would you pull out that was important?

For me, when I think about the twelve years that I was in the legislature, it's not tax policy. It's not some of those things, but it's the relationship between the government and the people who make the policy. And I think now we're looking at courts and how the courts have put their imprint on policy, mostly by saying education funding for years was unconstitutional. So students need to understand what it means to have three branches of government.

JV: Yes, absolutely.

JW: That's not a question. That was kind of a philosophy.

JV: Okay. You took the words right out of my mouth.

JW: David, do you want to go into anything else on some of the education issues, or do you think we have covered that?

DH: I think the final question we're sort of wanting to look at and there's probably no answer to, but we've all observed multitudinous lawsuits with the courts, I think seven of them total in *Gannon*, *the Montoy* ones when you were there. With your service in the Senate and in hindsight,

do you know of or could you think of any way that perhaps all of that prolonged litigation might have been somehow missed?

JV: I'm sure there were days when the people involved in that litigation hoped that it could just go away and never be seen again. But in answer to your question, no, I don't foresee any way that that legislation could have been avoided because of the split between moderate Republicans and conservative right-wing Republicans. They each have their own point of view. They're not likely to be swayed to the other side's point of view, and consequently, the only way to resolve these problems, especially with respect to school finance is to turn to the courts. The legislature was not able to do its work, and consequently the courts were called upon to do that.

JW: That's a good statement on which to end this interview. That's one of those little nuggets that I kept hoping we could pull out. John Vratil, Senator, thank you very much for taking your time. For those that are watching this interview, Senator Vratil is sitting in Westchester, Pennsylvania, where he now resides, and we're doing this over Zoom. I think if we hadn't had a pandemic, we wouldn't have learned how to Zoom. But it's enabled us to be able to interview you, and we appreciate your time very much.

David, thank you very much for helping. David is such a wonderful partner in this effort because he understands and has a long-term view of the legislature and is helpful in putting all these interviews together. Normally, he's the videographer.

DH: It's a lot easier to be sitting behind the camera with Joan organizing anything and asking all the questions.

JW: So we've been having fun doing this together. On behalf of the Kansas Oral History Project and our funder, Kansas Humanities Council, thank you very much for your time and attention today.

JV: Thank you, Joan.

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